



May 8, 2020

Andrew Gottlieb
Executive Director

The Honorable Joanne Comerford, Senate Chair
Joint Committee on Public Health
State House, Room 413-C
Boston, MA 02133

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Joint Committee on Public Health
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RE: Opposition to H.4650, An Act to Mitigate Arbovirus in the Commonwealth

Dear Chair Comerford and Chair Mahoney:

John Cumbler

Margo Fenn

The Association to Preserve Cape Cod (APCC) submits the following testimony on H.4650, *An Act to Mitigate Arbovirus in the Commonwealth*. We respectfully urge the Joint Committee on Public Health to report H.4650 out with a study order.

DeeDee Holt

Thomas Huettner

Pat Hughes

Founded in 1968, APCC is the leading regional nonprofit environmental advocacy and education organization on Cape Cod. Supported by thousands of members from every Cape Cod town, APCC's mission is to promote policies and programs that foster the preservation of the Cape's natural resources. APCC focuses its efforts on the protection of groundwater, surface water, and wetland resources, preservation of open space, the promotion of responsible, planned growth and the achievement of an environmental ethic.

Steven Koppel

Jack Looney

Cheryl Lubin

Elysse Magnotto-Cleary

Blue Magruder

APCC opposes the proposal in H.4650 to exempt the State Reclamation and Mosquito Control Board from every statute and special law, based on determination by the Department of Public Health that there *may* be a threat of mosquito-borne disease in a portion of the state in the coming year. APCC sees this as too vague a metric to convey such sweeping powers and is an overreach of authority. It is particularly concerning that the Reclamation Board is responsible for making determinations for aerial spraying for mosquito control in Massachusetts. The Reclamation Board has yet to release to the public the chemicals contained in the pesticides to be used for spraying. APCC is concerned that state monitoring for any unintended impacts from spraying, such as impacts to aquatic life that is especially vulnerable to many pesticides, is extremely limited and the results are usually not made public. The Center for Disease Control and the U.S. Environmental Protection Agency

Eliza McClennen

Stephen Mealy

Kris Ramsay

Robert Summersgill

Taryn Wilson

have both cited pesticide spraying to control adult mosquitos as the least effective and most environmentally damaging method of mosquito control.

APCC is greatly concerned that H.4650 includes no requirements for input from the Massachusetts Department of Public Health, Massachusetts Department of Fish and Game's Division of Fisheries & Wildlife, local boards of health, or the environmental community at large about the chemicals the State Reclamation and Mosquito Control Board intends to use for spraying, the frequency of use, or potential environmental impacts. There is no requirement that the methods employed by the Reclamation Board utilize the best science, no measurable trigger thresholds for actions to be taken, no opportunity for input from affected communities or landowners, and no sunset clause for these sweeping powers. Because the Reclamation Board would be exempt from every statute and special law, there would be no transparency in the process and it would be exempt from basic regulations such as the Open Meeting Law and Public Records Act. Other laws to protect human health and the environment could be ignored without any accountability, including such fundamental laws as the Pesticide Control Act and the Wetlands Protection Act.

APCC also opposes this legislation's ability to eliminate the rights of landowners to have their properties excluded from unwanted applications of toxic chemicals. Municipalities and landowners should be able to retain their current rights to opt out of spraying except in cases where the state declares that an actual public health emergency exists. As written, this bill does not have any notification requirements to alert residents, municipalities, public water suppliers, farmers and other landowners about actions taken by the Reclamation Board.

Massachusetts should instead adopt an ecologically-based approach to mosquito control that includes:

- Investing in an expansion of public education about local measures to addressing mosquito control, such as removing artificial containers of standing water and taking personal protection measures that include wearing protective clothing and mosquito repellent.
- Enhancing habitat for mosquito predators, including restoring fish habitat, dam removal, restoring degraded wetlands and replacing undersized culverts.
- Improving stormwater management through the adoption of Low Impact Development, which offers higher stormwater infiltration than traditional forms of stormwater management that often involves standing water in detention basins.

APCC urges the committee to send this bill to study so that additional measures for mosquito control can be evaluated and true reform of the Mosquito Control Board can occur. APCC recommends that the following amendments be made to the legislation:

- Municipalities and landowners should be able to retain their current right to opt out of spraying except when the state declares a public health emergency.
- The Reclamation Board should be required to add the DPH and the Department of Fish and Game's Division on Fisheries & Wildlife to the Board.



- The Reclamation Board's expansion of powers should be limited to surveillance mosquito control measures. If positive mosquitos are found in certain areas, DPH can first conduct public education for personal protection. If other interventions are determined to be necessary for public health protection, an emergency can be declared to conduct proper eradication.
- A sunset clause should be included for any emergency exemptions, to expire each year with the first frost. Exemptions should be limited to specific laws instead of across the board.
- The Reclamation Board should be required to use Integrated Pest Management for mosquito control, with an emphasis on surveillance, public education and ecologically-based controls as the preferred method instead of repeated, broad applications of pesticides via ground or aerial application.
- The Reclamation Board should be required to provide 48-hour notifications to communities and post notifications and updates to a state website prior to spraying.
- The Reclamation Board should be required to make available to the public the chemicals used in pesticides for mosquito spraying. The Board should be required to confirm that any pesticides used do not contain per- and polyfluoroalkyl (PFAS) compounds. PFAS compounds may be currently included in the inert ingredients used in pesticides that aid in dispersal.
- The Reclamation Board should be required to provide annual reporting of mosquito control plans, programs and results, and provide an annual public review process.

Thank you for your consideration of this written testimony.

Sincerely,



Andrew Gottlieb
Executive Director

cc: Senator Julian Cyr